?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 24.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

+Crl.O.P.(MD)No.4819 of 2017
, 4820 ,4821,4822,5151,5200,5202 of 2017
and
Crl.M.P(MD) Nos.3374,3375,3376,3377,3378,3379,3380,
3381,3649,3650,3668,3669, 3672 and 3673 of 2017

Crl.O.P.(MD)No.4819 of 2017

#1.M/s.Satyam College
of Engineering and Technology
Rep.by its Chairman
A.Thinakar
Satyam Nagar
Aralvaimozhi and Post
Agasteewaram Taluk
Kanyakumari District

2.A.Thinkar ... Petitioners in)

Vs.

$J.Ahilah
...Respondent

Prayer in Crl.O.P.(MD)No.4819 of 2017: This Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw the case in STC No.42 of 2017 on the file of the Fast Track Court(Magisterial Level) No.I, Nagercoil and transfer the same to Judicial Magistrate at Valliyoor, Tirunelveli District which is having competent jurisdiction to try the matter

!For Petitioners : Mr.C.R.Nirmal

^For Respondent : No appearance

:COMMON ORDER

Since the issues involved in all the Criminal Original Petitions are one and the same, all these Criminal Original Petitions have been clubbed together, heard together and are being disposed of by this common order.

2. These Criminal Original Petitions have been filed seeking to transfer the proceedings pending on the file of the Fast Track Court(Magisterial Level) No.I, Nagercoil, to the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

3.Mr.C.R.Nirmal, the learned counsel for the petitioner would submit that the petitioner borrowed money from the money lender called as Jeyakodi in the year 2012 and the petitioner had given eleven cheques to the said person . The petitioner was also paying the amount regularly. The said Jeyakodi was demanding very high rate of interest and the petitioner refused to pay the same. Therefore the said Jeyakodi chose five advocates and gave one cheque to each of them and they filled the cheques and have deposited the cheque in their account, which got dishonoured. In each , the complainant is admittedly a practising advocate belonging to Nagercoil Bar Association. Therefore the learned counsel would submit that the petitioner will not be able to get fair justice before the court below since all the respondents belong to the same bar.
4. Notice has been served in all the cases and the respondent is neither appearing in person nor through counsel. Today the name of the respondent is also printed in the cause list and there is no appearance on behalf of the respondent. Therefore this Court proceeds to deal with this petition on merits.

5. It is seen from records that in every complaint, the complainant is an advocate and is practising before the court below. Therefore inorder to ensure a just and fair trial in this case, this Court deems it fit to transfer the proceedings pending before the court below to some other court.

6.In view of the above, the proceedings in STC Nos.282, 283 & 286 of 2016 and STC Nos.11,12,39 & 42 of 2017 pending on the file of the Fast Track Court(Magisterial Level) No.I, Nagercoil is withdrawn and transferred to the file of the Judicial Magistrate Court, Padmanabapuram. The leared Judicial Magistrate, Fast Track Court(Magisterial Level) No.I, Nagercoil is directed to immediately send the case records to the learned Judicial Magistrate, Padmanabapuram and the learned Judicial Magistrate, Padmanabapuram on receipt of case records is directed to immediately re~number the same and proceed further in accordance with law.

7. The Criminal Original Petitions are disposed of with the above directions. Consequently connected miscellaneous petitions are closed.

To

1. The Judicial Magistrate,
Fast Track Court(Magisterial Level) No.I,
Nagercoil

2. The Judicial Magistrate,

Padmanabapuram